

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

R. ALEXANDER ACOSTA,¹

Plaintiff,

v.

BRISTOL EXCAVATING, INC., et al.,

Defendants.

CIVIL ACTION NO. 4:16-CV-01512

(MEHALCHICK, M.J.)

ORDER

AND NOW, this 7th day of November, 2017, for the reasons contained in the Memorandum filed concurrently with this Order, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's motion for summary judgment ([Doc. 19](#)) is **GRANTED IN PART and DENIED IN PART**;
2. The Defendants failure to include third-party bonuses constitutes a violation of [29 U.S.C. § 207](#) where no [§ 207\(e\)](#) exclusion applies;
3. Defendant Calvin Bristol is joint and severally liable for the violations;
4. The violations are subject to [29 U.S.C. § 216](#)'s mandatory liquidated damages provision;
5. Judgment is hereby entered against Defendants in the amount of **\$16,001.74**, with \$8,000.87 for overtime pay owed to employees and an equal amount owed in the form of liquidated damages;
6. Plaintiff's request for injunctive relief is **DENIED**;

¹ Pursuant to [Rule 25\(d\) of the Federal Rules of Civil Procedure](#), Plaintiff Thomas E. Perez has been substituted with Acting Secretary of Labor R. Alexander Acosta.

7. Defendants Bristol Excavating, Inc. and Calvin Bristol's motions for summary judgment ([Doc. 22](#); [Doc. 23](#)) are **DENIED**; and
8. The Clerk of Court is directed to close this case.

Dated: November 7, 2017

s/ Karoline Mehalchick
KAROLINE MEHALCHICK
United States Magistrate Judge